

REMARKS

The claims have been amended to resolve issues raised by the Examiner and to make editorial changes. With respect to the lower limit for the difference in the open areas of two surfaces, the amendment to 1% in claims 1, 3, and 22 is supported by Example 6 (1% is based on the difference between 26% and 27%) and Example 7 (1% is based on the difference between 24% and 25%) in the application, and the recitation of 7% in new claim 23 is supported by Example 1 (7% is based on the difference between 30% and 37%) and Example 3 (7% is based on the difference between 30% and 37%) in the application. The withdrawn claims have been amended for consistency with the elected claims to facilitate rejoinder under MPEP 821.04(b).

Entry of the above amendment is respectfully requested.

Rejection under 35 U.S.C. 112, Second Paragraph

On page 2 of the Office Action, in paragraph 4, claims 1-8, 17, 18 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

The Examiner's position is that it is not clear that a porous film could have more than two major surfaces.

In response, Applicants have amended the claims to change "possessing at least two surfaces" to "comprising two surfaces" to resolve this issue.

Accordingly, Applicants submit that the present claims satisfy the requirements of 35 U.S.C. 112, second paragraph, and withdrawal of this rejection is respectfully requested.

Art Rejection

On page 3 of the Office Action, in paragraph 7, claims 1-8, 17, 18 and 22 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 2002-209822.

In response, Applicants note initially that with respect to Applicants' argument that JP '822 fails to teach or suggest the difference 0-40% in the open areas of two surfaces, the Examiner indicates in paragraph 8 on page 4 of the Office Action that such is not persuasive because it is not commensurate in scope with the claims, namely, because "[t]he open areas of two surfaces could be the same as the difference is in the range from 0-40%" (Examiner's emphasis).

In view of the Examiner's emphasis on the open areas of two surfaces being the same when the recited difference is 0%, Applicants have amended the independent claims to change the lower limit for the recited difference to 1%, as discussed above. Based on this amendment, Applicants submit that the open areas of two surfaces can no longer be the same, and that the cited art neither teaches nor suggests the difference of 1-40% in the open areas of two surfaces.

Moreover, Applicants note that claim 23 has been added reciting the difference of 7-40% in the open areas of two surfaces, as discussed above. In view of the Examiner indication in paragraph 8 on page 4 of the Office Action that the difference 5-40% in the open areas of two major surfaces would be sufficient to remove JP '822 as prior art, Applicants submit that claim 23 is clearly patentable over JP '822.

For the above reasons as well as the reasons of record, Applicants submit that the present invention is neither anticipated by nor obvious over JP '822. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Bruce E. Kramer
Registration No. 33,725

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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